

REPORT

OF THE

Committee of Claims,

ON

THE PETITION

OF

ELIZABETH HAMILTON.

JANUARY 11, 1810.

Read and committed to a committee of the whole house on
Wednesday next.

CITY OF WASHINGTON:

A. & C. WAT, PRINTERS.

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1810.

REPORT.

*The committee of claims, to whom was referred
the petition of Elizabeth Hamilton,*

REPORT:

THAT it is stated by the petitioner, that her late husband, col. Alexander Hamilton, served as lieutenant-colonel in the army of the United States, during the revolutionary war; that in common with other officers he was entitled to five years full pay as commutation for half pay during life; that her husband being in congress at the time the resolution passed making this provision in favor of the officers of the revolution, in a letter to the secretary of war, he relinquished his claim to commutation; and the petitioner prays for the amount of said commutation: It does not appear from any evidence from the secretary of war, or of the treasury,—that the late colonel Hamilton ever did relinquish his right to half pay or commutation, nor can the committee believe that it would be proper or generous that such relinquishment should be relied on as a bar to a just claim upon the United States for meritorious services, against the representatives of such claimant. It appears from a letter from the secretary of the treasury, that the late colonel

Hamilton received pay as an officer, up to the end of February, 1782, and no later.

And there is no evidence upon the treasury books, or books of the war office, whether at this or at what period colonel Hamilton resigned. The committee, however, have been furnished with a document which induces a belief that colonel Hamilton did not resign his commission until after the 28th day of October, 1783, which document is in these words: "In pursuance of an act of Congress of the 30th day of September, 1783, lieutenant-colonel Hamilton is to take rank as colonel by brevet, in the armies of the United States of America."

Signed at Princeton, October 28th, 1783, by Elias Boudinot, president, &c.

The committee are of opinion, that the resolution of congress, upon a liberal construction, did not require actual service, and that the officer should be in the receipt of his pay to entitle him to commutation, but that he should have a commission, and be at all times liable to be called on to perform the duties of his station. The committee are confirmed in this opinion when they recollect the situation of the United States and the army in the year 1783, and in fact, from the capture of Cornwallis and his army, at little York, in the state of Virginia, in the year 1781. But this claim is like all other claims of this description, barred by the statute of limitation. The following resolution is offered:

Resolved, That the prayer of the petition ought not to be granted.

